



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

December 3, 1990

Mr. A. W. Pogue
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78711-1998

OR90-566

Dear Mr. Pogue:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10646.

You have received a request for the enforcement case file relating to a certain insurance company, and have sent us the documents responsive to it. We have considered the exceptions you claimed, sections 3(a)(7) and 3(a)(11) specifically, and have reviewed the documents at issue. We find that much of the material submitted for our review must be disclosed. Under section 3(a)(11), you may withhold the portions of documents consisting of intra-agency advice, recommendation, or opinion, legal or otherwise, but you may not withhold basically factual communications between agency attorneys (as long as they do not contain client confidences) or communications with third parties. Open Records Decision No. 559 (1990). Because in your case the protection afforded by section 3(a)(7) would be subsumed in the section 3(a)(11) coverage, we need not discuss the applicability of that exception. We have marked the portions of the documents you may withhold; you must disclose the rest of the material.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-566.

Yours very truly,

A handwritten signature in cursive script, reading "Faith S. Steinberg", is written over the typed name.

Faith S. Steinberg
Assistant Attorney General
Opinion Committee

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Ref.: ID# 10646

Enclosure: Open Records Decision No. 559
Marked Documents

cc: Ms. Freda Dents
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Karen Cox
State Board of Insurance